

Message Text

PAGE 01 USBERL 00002 142017Z

67

ACTION EUR-12

INFO OCT-01 ISO-00 HEW-02 OES-03 SAJ-01 CIAE-00 DODE-00

PM-03 H-01 INR-07 L-02 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 IO-10 BIB-01 /073 W

----- 040520

P 141830Z FEB 75

FM USMISSION USBERLIN

TO AMEMBASSY BONN PRIORITY

INFO SECSTATE WASHDC 0492

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A SECTION2 OF 2 USBERLIN 0290

A. BEGIN TEXT DRAFT BK/O:

THE ALLIED KOMMANDATURA RAISES NO OBJECTION TO
THE ADOPTION BY THE HOUSE OF REPRESENTATIVES OF AN
ABORTION REFORM LAW IDENTICAL IN ITS PROVISIONS TO THAT
PRESENTLY IN FORCE IN THE FEDERAL REPUBLIC. END TEXT.

B. BEGIN TEXT OF DRAFT BK/L:

DEAR MR. GOVERNING MAYOR:

IN REFERENCE TO YOUR LETTER OF DECEMBER 12, 1974

THE ALLIED KOMMANDATURA HAS TODAY ISSUED

BK/O(75) -- EXPRESSING

NO OBJECTION TO ADOPTION BY THE

HOUSE OF REPRESENTATIVES OF AN ABORTION REFORM LAW

IDENTICAL WITH THAT IN FORCE IN THE FEDERAL REPUBLIC

AFTER THE DECISION OF THE FEDERAL CONSTITUTIONAL COURT

OF FEBRUARY 25, 1975.

IN RESPONSE TO YOUR TO YOUR REQUEST THAT GENERAL

GUIDELINES MIGHT BE PROVIDED FOR DEALING WITH SIMILAR

PROBLEMS IN THE FUTURE; THE KOMMANDATURA WOULD CONSIDER

IT APPROPRIATE FOR THE SENAT AND THE HOUSE OF REPRESENTA-

CONFIDENTIAL

PAGE 02 USBERL 00002 142017Z

TIVES TO FOLLOW THE PROCEDURE EMPLOYED WITH RESPECT TO

THE ABORTION REFORM LAW. IN PARTICULAR, IF LEGAL

PROVISIONS OF THE FEDERAL REPUBLIC OF GERMANY ARE

ANNULLED, SUSPENDED OR MODIFIED AND THOSE LEGAL PROVISIONS

HAVE BEEN OR ARE ADOPTED BY THE HOUSE OF REPRESENTATIVES AND BK/O(51)56 DOES NOT APPEAR COMPLETELY APPLICABLE, IT IS FOR THE SENAT, CONSISTENT WITH SECTION IV OF THE DECLARATION ON BERLIN OF MAY 5, 1955, TO PROPOSE THAT THE HOUSE OF REPRESENTATIVES PROVIDE BY LAW THAT THOSE PROVISIONS ARE ALSO ANNULLED, SUSPENDED OR MODIFIED TO THE SAME EFFECT IN BERLIN.

ALL SUCH LEGISLATION PREPARED BY THE SENAT AND THE HOUSE OF REPRESENTATIVES SHALL BE SUBMITTED PRIOR TO ADOPTION TO THE ALLIED KOMMANDATURA WHICH MAY RAISE OBJECTIONS WITHIN TWENTY-ONE DAYS.

NOTHING IN THE ABOVE SHOULD BE INTERPRETED AS AFFECTING IN ANY WAY THE PROVISIONS OF BK/L(52)35 OR SUBSEQUENT RELATED ALLIED KOMMANDATURA DIRECTIVES OR AS AFFECTING THE EXERCISE OF ALLIED RIGHTS, INPARTICULAR THE RIGHT TO TAKE ANY APPROPRIATE MEASURES WITHIN THE SCOPE OF THE FIELDS SPECIFIED IN THE BERLIN DECLARATION OF MAY 5, 1955. END TEXT.

4. COMMENT: BK/O(51)56 IS ALLIED AUTHORIZATION OF MANTELGESETZ PROCEDURE. WE HAVE USED IT AS CIRCULAR MEANS OF REFERRING TO SITUATIONS INVOLVING CONSTITUTIONAL COURT DECISION. WE HAVE ALSO SOULD TO MEET FRENCH DIFFICULTIES WITH EXPLICIT REFERENCE TO LEGAL UNITY BY CITING SECTION IV OF BERLIN DECLARATION WHICH AUTHORIZED BERLIN AUTHORITIES TO ADOPT "SAME LEGISLATION" AS FRG. WE WOULD HAVE NO OBJECTION TO USING BK/L RATHER THAN BK/O IF FRENCH CAN THERBY BE BROUGHT ROUND TO GENERAL SOLUTION, AND IN FACT IF DRAFT BK/L CAN BE SOLD TO SENAT WE WOULD EVEN CONSIDER IT PREFERABLE FROM STRICTLY ALLIED POINT OF VIEW TO ESCHEW ANY BK/O AT ALL. FROM ALL POINTS OF VIEW, IT MAY BE MORE DESIRABLE TO HAVE BK/L THAT READS LIKE BK/O BUT IS PRIVATE DOCUMENT RATHER THAN BK/O WHICH READS LIKE BK/L AND IS PUBLIC. WITHOUT SOME FORM OF BK/O TO WHICH PUBLIC REFERENCE CAN BE MADE, CONFIDENTIAL

PAGE 03 USBERL 00002 142017Z

HOWEVER, SENAT CAN BE EXPECTED TO INSIST ON FURTHER TOUGHENING OF BK/L LANGUAGE.

5. SINCE FEBRUARY 25 DEADLINE IS FAST APPROACHING , AND MORE DETAILED FRENCH VIEWS ARE TO BE TABLED IN BONN, IT MAY BE MOST USEFUL FOR DETAILED COMPARISON OF DRAFT TEXTS ABOVE AND NEW FRENCH PROPOSALS TO BE ACCOMPLISHED BY EMBASSIES. WE WOULD BE PREPARED TO SEND GREEWALD TO BONN TO ASSIST AS MAY BE DESIRED. END COMMENT. GEORGE

CONFIDENTIAL

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 18 AUG 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 14 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975SBERL00002
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750286/abbrzodu.tel
Line Count: 107
Locator: TEXT ON-LINE
Office: n/a
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags: ANOMALY
Review Date: 16 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 MAY 2003 by ifshinsr>; APPROVED <19 MAY 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: n/a
TAGS: n/a
To: BONN INFO STATE
LONDON
MOSCOW
PARIS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006

